

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59646 of 2018

Arising Out of PS.Case No. -12 Year- 2014 Thana -MANER District- PATNA

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1. Bardka @ Kunal Kumar @ Kunal Rai S/o Chandsi Rai, R/o Vill.- Mauli Nagar, P.S.- Maner, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Usha Kumari-1

For the Opposite Party/s : Mr. Sri Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 31-10-2018

Heard.

Earlier, the prayer for bail of the petitioner was twice rejected by this Court and while rejecting the bail prayer of the petitioner on 31.08.2016 passed in Cr. Misc. No. 25302 of 2016, this Court directed the trial court to expedite the trial of the petitioner and try to conclude the same as early as possible.

The trial court vide his letter no. 863 dated 5.10.2018 has reported that the record of Session trial no. 743 of 2015 was received in his court on 07.06.2018 from the court of Additional Sessions Judge VI, Danapur. The trial court has further reported that out of nine public witnesses up till now only four witnesses could be examined and to procure the attendance of remaining prosecution witnesses, summons including process of non bailable warrant of arrest was issued. Furthermore, a show cause letter has also been issued to the concerned officer-in-charge seeking his



explanation due to non compliance of execution of warrant of arrest.

Learned counsel of the petitioner submits that the prosecution only wants to keep this petitioner in jail custody without any substantive progress in trial.

The petitioner happens to be main assailant and taking the aforesaid fact, again I am not inclined to release the petitioner on bail and, hence, his prayer for bail in connection with Maner P.S.Case No. 12 of 2014 stands rejected.

However, the learned trial court is directed to expedite and conclude the trial of the petitioner within six months from the date of receipt/ production of a copy of this order, failing which the petitioner shall be at liberty to renew his prayer for bail before the learned trial court itself.

The copy of this order be sent to Senior Superintendent of Police, Patna with copy to A.S.P./Dy.S.P. Danapur with direction to him to ensure the presence of remaining prosecution witnesses before the trial court within a month. Furthermore, the trial court is directed to take necessary steps including coercive steps against the witnesses as well as concerned officer -in-charge, if the witnesses do not come to give evidence in aforesaid session trial.

(Hemant Kumar Srivastava, J)

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